

BUSINESS REPORT

**MONTANA SENATE
62nd LEGISLATURE - REGULAR SESSION**

SENATE LOCAL GOVERNMENT COMMITTEE

Date: Wednesday, February 16, 2011
Place: Capitol

Time: 3:00 PM
Room: 405

BILLS and RESOLUTIONS HEARD:

SB 283 - Revise process for changing county boundaries
SB 302 - Generally revise county commissioner election laws
SB 303 - Generally revise state land laws
SB 345 - Revise attorneys fees to enforce constitutional rights
SB 349 - Repeal English as official and primary language of government

EXECUTIVE ACTION TAKEN:

SB 91 Do Pass As Amended
SB 183 Do Pass As Amended
SB 191 Do Pass As Amended
SB 234 Do Pass As Amended
SB 236 Do Pass As Amended
SB 240 Tabled
SB 283 Do Pass
SB 302 Do Pass

Comments:



SEN. Jon Sonju, Chair

MONTANA STATE SENATE
ROLL CALL
LOCAL GOVERNMENT
COMMITTEE

DATE: 2 - 16, 2011

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Sonju	X	
Vice Chair Wittich	X	
Senator Augare	X	
Senator Buttrey		X
Senator Gallus	X	
Senator Moss		X
Senator Olson	X	
Senator Tutvedt	X	
Senator Vuckovich	X	

9 Committee Members



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 2

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 191** (first reading copy -- white) **do pass as amended.**

Signed: _____

Senator Jon Sonju, Chair

And, that such amendments read:

1. Page 1, line 7 through line 17.

Strike: "WHEREAS" on line 7 through "inspection." on line 17

2. Page 2, lines 2 and 3.

Strike: "on" on line 2 through "executed" on line 3

Strike: "an offer for" on line 3

3. Page 2, line 4.

Strike: "or seller's agent"

4. Page 2, line 7 through line 11.

Strike: "WHERE" on line 7 through "INFRASTRUCTURE" on line 11

Insert: "THAT COLLECTS, TREATS, AND DISPOSES OF SEWAGE. A POORLY MAINTAINED SEPTIC SYSTEM MAY MALFUNCTION, DAMAGING PROPERTY AND DEGRADING WATER QUALITY. THE BUYER UNDERSTANDS THAT SEPTIC SYSTEMS REQUIRE REGULAR MAINTENANCE, REPAIR, AND POTENTIAL REPLACEMENT TO PROTECT PUBLIC HEALTH, WATER QUALITY, AND PRIVATE PROPERTY. IT IS THE BUYER'S OBLIGATION TO DETERMINE THE CONDITION OF THE SEPTIC SYSTEM. THE BUYER MAY HIRE A QUALIFIED INSPECTOR TO INSPECT THE SEPTIC SYSTEM AND ASSOCIATED INFRASTRUCTURE AND MAKE ANY CONTRACT CONTINGENT UPON THE RESULTS OF THAT INSPECTION"

5. Page 2, line 12.

Following: "If"

Insert: "the information is"

Strike: "after reasonable investigation"

Committee Vote:

Yes 6, No 3

Fiscal Note Required ☐

OR

Strike: "or the seller's agent"

Following: "shall provide"

Insert: "for the disclosure"

6. Page 2, line 13.

Strike: "or upon entry into a contract for"

7. Page 2, line 14.

Following: "system;"

Insert: "and

(b) any other records of septic system and drainfield maintenance, repair, and location."

8. Page 2, lines 15 through 18.

Strike: "(b)" on line 15 through "property." on line 18

9. Page 2, line 20.

Strike: "or the seller's agent"

10. Page 2, lines 23 and 24.

Strike: subsection (4) in its entirety

- END -



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 91** (first reading copy -- white) do pass as amended.

Signed: _____

A handwritten signature in dark ink, appearing to read "Jon Sonju", is written over the signature line.

Senator Jon Sonju, Chair

And, that such amendments read:

1. Page 1.

Following: line 23

Insert: "NEW SECTION. **Section 2. Contingent voidness.** If [LC 1283] is not passed and approved, then [this act] is void."

Renumber: subsequent section

- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required ____

SB0091001SC.sdr

Handwritten initials, possibly "JR", are located in the bottom right corner of the page.

BILL TABLED NOTICE

SENATE LOCAL GOVERNMENT COMMITTEE

The **SENATE LOCAL GOVERNMENT COMMITTEE** TABLED

SB 240 - Revise laws related to street lighting improvement districts, by motion, on
Wednesday, February 16, 2011.

(For the Committee)

Steve Anderson
(For the Secretary of the Senate)

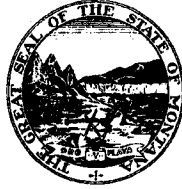
9:45
(Time)

2-17-11
(Date)

February 17, 2011

Kirk Lundby, Secretary

Phone: 4315



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 302** (first reading copy -- white) **do pass**.

Signed: _____

A handwritten signature in black ink, appearing to read "Jon Sonju".

Senator Jon Sonju, Chair

- END -

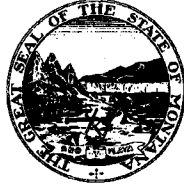
Committee Vote:

Yes 7, No 0

Fiscal Note Required ☐

SB0302001SC.sdr

OR



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 183** (first reading copy -- white) do pass as amended.

Signed: _____

A handwritten signature in black ink, appearing to be "Jon Sonju", is written over the signature line.

Senator Jon Sonju, Chair

And, that such amendments read:

1. Title, line 6.

Following: "CIRCUMSTANCES;"

Insert: "PROHIBITING ESTABLISHMENT OF AN INTERIM ZONING DISTRICT
OR INTERIM REGULATION TO PREVENT AGRICULTURAL ACTIVITIES;"

2. Page 2, line 14.

Strike: "or federal"

Following: "agency"

Insert: "under Title 75, Title 76, chapter 4, or Title 82"

3. Page 2, line 15.

Strike: "a complete"

Insert: "an"

4. Page 2.

Following: line 17

Insert: "(5) A board of county commissioners may not establish an
interim zoning district or interim regulation to prevent
agricultural activities, as provided in Title 76, chapter 2,
part 9."

- END -

Committee Vote:

Yes 5, No 4

Fiscal Note Required ☐

SB0183001SC.sdr

Handwritten initials in the bottom right corner, possibly "JR" or "JS", written in black ink.



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 283** (first reading copy -- white) **do pass**.

Signed: _____

A handwritten signature in dark ink, appearing to read "Jon Sonju", written over a horizontal line.

Senator Jon Sonju, Chair

- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required ☐

SB0283001SC.sdr

Handwritten initials in dark ink, possibly "JR", located in the bottom right corner of the page.



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 236** (first reading copy -- white) **do pass as amended**.

Signed: _____

A handwritten signature in dark ink, appearing to be "Jon Sonju".

Senator Jon Sonju, Chair

And, that such amendments read:

1. Title, line 7.

Strike: "SECTIONS 7-14-4105 AND"

Insert: "SECTION"

2. Page 1, line 12 through line 21.

Strike: section 1 in its entirety

Renumber: subsequent sections

- END -

Committee Vote:

Yes 5, No 4

Fiscal Note Required ____

SB0236001SC.sdr

OR



SENATE STANDING COMMITTEE REPORT

February 16, 2011

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 234** (first reading copy -- white) do pass as amended.

Signed: _____

Senator Jon Sonju, Chair

And, that such amendments read:

1. Page 1, line 12.

Following: "~~(1)~~"

Insert: "(1)"

2. Page 1, line 16 through line 19.

Strike: "until" on line 16 through "69-12-314." on line 19

3. Page 1.

Following: line 29

Insert: "for 5 years following annexation or incorporation except upon a proper showing to the public service commission that the existing carrier is unable to or refuses to provide adequate service to the annexed or incorporated area.

(2) In order to provide garbage and solid waste disposal service to the annexed or incorporated area, the municipality shall first fully compensate the private motor carrier for the resulting damage to its business, including but not limited to the diminished fair market value of the business and diminished value of the Class D certificate issued by the public service commission under 69-12-314.

(3) For the purposes of determining whether an existing motor carrier provides adequate service, those services provided by the carrier prior to annexation are considered adequate services."

- END -

Committee Vote:

Yes 6, No 3

Fiscal Note Required ____

SB0234001SC.sdr

DR

MONTANA STATE SENATE
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-16-11 BILL NO SB 236 AMEND. NO. _____ MOTION NO. _____
MOTION: Do Pass As Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Augare		X	X
Senator Buttrey	X		
Senator Gallus		X	
Senator Moss		X	
Senator Olsen	X		
Senator Tutvedt	X		
Senator Vuckovich		X	X
Vice Chair Wittich	X		
Chairman Sonju	X		

9 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 5 No: 4

MONTANA STATE SENATE
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-16-11 BILL NO SB 183 AMEND. NO. _____ MOTION NO. _____

MOTION: DO PASS AS Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Augare		X	X
Senator Buttrey	X		
Senator Gallus	X		
Senator Moss		X	
Senator Olsen	X		
Senator Tutvedt	X		
Senator Vuckovich		X	X
Vice Chair Wittich		X	
Chairman Sonju	X		

9 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 5 NO: 4

MONTANA STATE SENATE
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-16-11 BILL NO SB 240 AMEND. NO. _____ MOTION NO. _____

MOTION: Be Tabled

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Augare		X	X
Senator Buttrey	X		
Senator Gallus		X	
Senator Moss		X	
Senator Olsen	X		
Senator Tutvedt	X		
Senator Vuckovich		X	X
Vice Chair Wittich	X		
Chairman Sonju	X		

9 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 5 No: 4

MONTANA STATE SENATE
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-16-11 BILL NO. SB183 AMEND. NO. _____ MOTION NO. _____
MOTION: Be Amended by Segregation Section 2

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Augare	X		X
Senator Buttrey	X		
Senator Gallus	X		
Senator Moss		X	
Senator Olsen	X		
Senator Tutvedt	X		
Senator Vuckovich	X		X
Vice Chair Wittich		X	
Chairman Sonju	X		

9 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 7 No: 2

MONTANA STATE SENATE
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-16-11 BILL NO SB 183 AMEND. NO. _____ MOTION NO. _____
MOTION: Be Amended (exhibit #12)

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Augare	X		X
Senator Buttrey		X	
Senator Gallus		X	
Senator Moss	X		
Senator Olsen		X	
Senator Tutvedt		X	
Senator Vuckovich		X	X
Vice Chair Wittich	X		
Chairman Sonju		X	

9 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 3 No: 6

MONTANA STATE SENATE
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-16-11 BILL NO 53183 AMEND. NO. _____ MOTION NO. _____

MOTION: Be Amended (exhibit 13)

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Augare		X	X
Senator Buttrey		X	
Senator Gallus		X	
Senator Moss		X	
Senator Olsen		X	
Senator Tutvedt		X	
Senator Vuckovich		X	X
Vice Chair Wittich	X		
Chairman Sonju	X		

9 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 2 No: 7

MONTANA STATE SENATE
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-16-11 BILL NO SB 234 AMEND. NO. _____ MOTION NO. _____
MOTION: Do Pass AS Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Augare		X	X
Senator Buttrey	X		
Senator Gallus	X		
Senator Moss		X	
Senator Olsen	X		
Senator Tutvedt	X		
Senator Vuckovich		X	X
Vice Chair Wittich	X		
Chairman Sonju	X		

9 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 6 No: 3

MONTANA STATE SENATE
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2-16-11 BILL NO SB 191 AMEND. NO. _____ MOTION NO. _____
MOTION: Do Pass As Amended

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
Senator Augare	X		X
Senator Buttrey		X	
Senator Gallus	X		
Senator Moss	X		
Senator Olsen		X	
Senator Tutvedt		X	
Senator Vuckovich	X		X
Vice Chair Wittich	X		
Chairman Sonju	X		

9 COMMITTEE MEMBERS

TOTAL VOTE: Aye: 6 No: 3

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Shannon Augare, request to be excused from the
Local Government COMMITTEE
 due to my other commitment. I desire to leave my proxy vote with:

Sen. Moss

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

SB 91 A 1	X	
SB 91 Amended	X	
SB 240 to be		X
SB 183 Amended 1	X	
183 Amended 2	X	
183 Amended 3	X	
183 Amended 4		X
SB 183		X
SB 236 A 1	X	
SB 236		X
SB 234		X
SB 234 Amended	X	
SB 191 Amended	X	
SB 191	X	

BILL/AMENDMENT

AYE NO

Sen.

Shannon Augare
 (Signature)

Date

2-16-2011

AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Gene Vuckovich, request to be excused from the
Local Government COMMITTEE
 due to my other commitment. I desire to leave my proxy vote with:

Steve Gallus

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE

NO

SB 91 Amd 1	X	
SB 91 as Amended	X	
SB 240 table		X
SB 183 Amend 1	X	
SB 183 Amend 2	X	
SB 183 Amend 3		X
SB 183 Amend 4		X
SB 183		X
SB 236 Amend 1	X	
SB 236		X
SB 234 Amend	X	
SB 234		X
SB 191 Amend	X	
SB 191	X	

BILL/AMENDMENT

AYE

NO

Sen.

Gene Vuckovich
 (Signature)

Date

2-16-2011

SENATE LOCAL GOVERNMENT COMMITTEE

Sponsor: Senator Art Wittich

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE LOCAL GOVERNMENT COMMITTEE

Sponsor: Senator Rick Ripley

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE LOCAL GOVERNMENT COMMITTEE

Wednesday, February 16, 2011

SB 303 - Generally revise state land laws

Sponsor: Senator John Brenden

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SENATE LOCAL GOVERNMENT COMMITTEE

Wednesday, February 16, 2011

SB 349 Repeal English as official and primary language of government

Sponsor: Senator Sharon Stewart-Peregoy

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.